

**RECEIVED**

APR 26 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) Criminal No. 4:04-CR-182  
 )  
v. )  
 )  
TERRY ALLEN GARNETTE, ) STATEMENT BY DEFENDANT  
 ) IN ADVANCE OF PLEA OF  
Defendant. ) GUILTY

PART A

I make the following representations to the Court:

1. I am 47 years of age. My education consists of SOME COLLEGE.

I can read and understand the English language.

2. No threats or promises of any sort have been made to me to induce me or to persuade me to enter this plea, except those contained in the written plea agreement.

3. No one has told me that I would receive probation or any other form of leniency because of my plea.

4. I have discussed this case and this plea with my attorney, Assistant Federal Defender Angela Campbell.

5. I am satisfied with the representation provided by Ms. Campbell. I have no complaint about the time or attention she has devoted to my case, nor about the advice she has given me.

6. My decision to enter this plea was made after full and careful thought, with the advice of my attorney, and with a full understanding of my rights, the facts and circumstances of the case

and the consequences of the plea. I was not under the influence of any drugs, medication or intoxicants when the decision to enter the plea was made and I am not now under the influence of any drugs, medication or intoxicants.

7. I have no mental reservations concerning pleading guilty. Although my attorney has given me advice on this guilty plea, the decision to plead guilty is my own decision.

8. I understand that if I am on parole or probation for another offense, a guilty plea in this proceeding may result in the revocation of my parole or probation and as a result I may have to serve time in prison on the prior offense.

#### PART B

My attorney and I have discussed the following facts and rights. I have had the assistance of my attorney in reviewing, explaining and completing this form:

1. The nature of the charges against me have been fully explained. I have had an opportunity to discuss the nature of the charges with my attorney, and I understand the charges and the elements which the government is required to prove.

2. I know that the penalty provided by law for Count 1 is a term of imprisonment of not less than fifteen (15) years and not more than thirty (30) years, a fine of not more than \$250,000.00, or both. I understand that if I am sent to prison, after my release, I will be required to serve a term of supervised release on Count 1 of not more than five (5) years. I further understand that the penalty provided by law for Count 2 is a term of imprisonment of not less than five (5) years and not more than twenty (20) years, a fine of not more than \$250,000.00, or both. I further understand that if I am sent to prison, after my release, I will be required to serve a term of supervised release on Count

2 of not more than three (3) years. I understand that I am required to pay to the Crime Victim Fund a special assessment of \$100.00 on each count of conviction. I understand that I may be required to pay all or some of the costs of my imprisonment or supervision.

3. I know that if I do not plead guilty I will still have the right to be represented by an attorney at every stage of the proceeding, including trial. I know that if I cannot afford an attorney, one will be appointed to represent me.

4. I know that I have a right to plead not guilty, and I know that if I do plead not guilty, I can persist in that plea.

5. I know that I have a right to a trial by jury, and I know that if I were to stand trial by a jury:

- a. I have a right to the assistance of an attorney at every stage of the proceeding.
- b. I have the right to see and observe the witnesses who testify against me.
- c. My attorney can cross-examine all witnesses who testify against me.
- d. I can call such witnesses as I desire, and I can obtain subpoenas to require the attendance and testimony of those witnesses. If I cannot afford to pay the witness and mileage fees of those witnesses, the government will pay them.
- e. I cannot be forced to testify at trial although I may do so if I so desire.
- f. If I do not want to testify, the jury will be told that they may draw no adverse conclusion against me from my failure to testify.
- g. The government must prove each and every element or part of the offense charged against me beyond a reasonable doubt.
- h. It requires a unanimous verdict of a jury to convict me.

i. If I were to be convicted, I can appeal, and if I cannot afford to appeal, the government will pay the costs of the appeal including the services of an appointed attorney.

6. Under a plea of guilty, there will not be a trial of any kind. If I plead guilty I am forever giving up my right to trial by jury.

7. No agreements have been reached, and no representations have been made to me as to what the sentence will be, except as contained in the written plea agreement filed with the Court.

8. I know that under a plea of guilty, the Assistant United States Attorney and the judge may ask me questions under oath about the offense to which the plea is entered. The questions, if asked on the record and in the presence of my attorney, must be answered by me, and if I give false answers, I can be prosecuted for perjury.

9. I have a right to ask the Court any questions I wish to ask concerning my rights, or about these proceedings and the plea.

10. I understand that my sentence will be determined according to certain factors related in my plea agreement with the government. I further understand that the Court will consider the advice of the United States Sentencing Commission as provided by the Federal Sentencing Guidelines. The method by which the advisory sentence will be computed under the Federal Sentencing Guidelines has been explained to me by my attorney. I understand that:

- a. Any representations by the government or my attorney concerning what my sentence may be are merely estimations or recommendations. The Court may reject the recommendations of my attorney, the government and the U. S. Probation Office and impose a sentence which is more severe.
- b. If the Court imposes a sentence which is more severe than recommended by my attorney, the government or the U. S. Probation Office, I will not be able

to withdraw my plea of guilty. Once the Court has accepted my plea of guilty, I may not later withdraw it and demand a trial.


- c. The United States Court of Appeals for the Eighth Circuit has limited power to review sentences imposed with the advice of United States Sentencing Commission as provided by the Federal Sentencing Guidelines. My attorney has explained my right to appeal my sentence and the government's right to appeal my sentence under 18 U.S.C. § 3742.

#### PART C

I know that I am free to change or delete anything contained in this statement which is incorrect. I do not wish to make any changes because all of the statements are correct. After reviewing all of the foregoing I still wish to plead guilty.

Date:

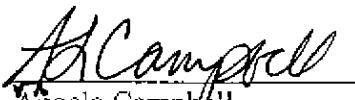
4-26-05

  
Terry Allen Garnette  
Defendant

I certify that I have discussed this statement with the defendant; that I have fully explained defendant's rights to defendant and have assisted defendant in completing this form. I believe defendant understands defendant's rights and this statement. I believe defendant is knowingly and voluntarily entering the plea with full knowledge of defendant's legal rights and that there is a factual basis for the plea.

Date:

4-26-05

  
Angela Campbell  
Assistant Federal Defender